

# State of Colorado



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## Meeting Minutes March 17, 2015

The State Personnel Board met in public session on Tuesday, March 17, 2015, at the Colorado State Personnel Board, 1525 Sherman Street, First Floor Conference Room 103, Denver, Colorado 80203.

The meeting was called to order at 9:00 a.m. Board Members Vonda Hall, Michelle Palmquist, and Sally Yerger were present in person. Board Member Teresa Salerno was present via teleconferencing. Board Member Neil Peck was absent.

Dana Shea-Reid, Board Director; Assistant Attorney General Andrea Faley, Board Counsel; and Jane Sprague, Legal Assistant, were present in person.

### **I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR], DPA**

Kim Burgess, State Chief Human Resources Officer, reported to the Board on behalf of DPA/DHR as follows:

- With regard to legislative updates which impact the workforce, DPA is monitoring SB 133, as it is focused on total compensation and insuring that the annual salary survey includes retirement benefits as part of the total compensation package.
- DPA is also watching HB 1258 which would create both an insurance program for paid Family Medical Leave (FML) for all Colorado employees and a new division in the Department of Labor and Employment.
- An RFP for the HRIS project is scheduled for issue on April 1, 2015, after business requirements are finalized. This is a huge state initiative which will modernize human resources.
- The General Professional (GP) class study includes 3,300 state employees who are in this series. Recommendations from this class study will be published in the August 1, 2015 Total Compensation Report. In response to an inquiry from the Board, Ms. Burgess said that broad banding is difficult to benchmark and thus, DHR is returning to less broad classes for more specific professions.

- This year Open Enrollment is a fully active enrollment, meaning that all state employees who wish to enroll in the state's health insurance program must access their accounts to enroll.
- Data on Director's reviews indicates a need to collaborate with agencies on implementing the selection process. On a positive note, some of the Director's review appeals are being settled informally.

## II. PENDING MATTERS AT THE COURT OF APPEALS

- A. Arthur Robinson v. University of Colorado Denver, Information Technology Services, State Personnel Board case number 2012B131, Current Court of Appeals Number 2014CA2108.

The Board declined to take action in this matter.

- B. Terrence M. Sullivan v. Department of Transportation, State Personnel Board case number 2014B003, Court of Appeals Number 2014CA1996.

Ms. Hall moved to remand this matter to the Administrative Law Judge to determine the amount of damages to Complainant and to address the issue of reinstatement that was deferred pending completion of the interactive process, which is consistent with the order of the Court of Appeals. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

## III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

- A. Jack Chen v. Department of Human Services, Office of Economic Security, Food Distribution Program, State Personnel Board case number 2014B034 (October 2, 2014).

Ms. Hall recused herself from participation in the discussion of this matter and left the meeting room.

Ms. Yerger moved to adopt the Findings of Fact and Conclusions of Law in the Initial Decision of the Administrative Law Judge. Ms. Salerno seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Palmquist, Ms. Salerno, and Ms. Yerger. Ms. Hall abstained from voting and did not return to the meeting room until discussion and voting of this matter were concluded.

## IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

- A. Anthony Beauford v. Department of Human Services, Colorado State Veteran's Home at Fitzsimons, State Personnel Board case number 2014G085.

Ms. Salerno moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Yerger seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

- B. Todd C. Crow v. Department of Corrections, State Personnel Board case number 2015G029.

Ms. Yerger moved to reject the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

- C. Joel F. Wade v. Department of Public Health & Environment, Center for Health & Environmental Data, State Personnel Board case number 2015G056.

Ms. Yerger moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

- D. Jennie Sinclair v. Department of Natural Resources, Colorado Parks & Wildlife, State Personnel Board case number 2015S009.

Ms. Yerger moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

**V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES**

There were no Initial Decisions or other Final Orders of the Administrative Law Judges this month.

**VI. REVIEW OF THE MINUTES FROM THE FEBRUARY 17, 2015 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Ms. Palmquist moved to amend the Minutes from the February 17, 2015 meeting on page 1 by removing the word "to" in the sixth line from the end of the page and by adding an apostrophe to the word "applicants" in the last line and to approve the minutes as amended. Ms. Yerger seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Palmquist, Ms. Salerno, and Ms. Yerger.

## **VII. ACKNOWLEDGMENTS**

### **DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS FEBRUARY 17, 2015 PUBLIC MEETING:**

- A. Natalie Van Note v. Department of Corrections, Denver Women's Correctional Facility, State Personnel Board case number 2015G018(C).

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing.

- B. Damian Macias v. University of Northern Colorado, State Personnel Board case number 2015G045.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

## **VIII. ADMINISTRATIVE MATTERS & COMMENTS**

### **A. ADMINISTRATIVE MATTERS**

- Cases on Appeal to the Board and to Appellate Courts

Board Counsel Faley briefed the Board on cases before the Court of Appeals. She indicated that the Board may want to weigh in on the Robinson matter after reviewing the Opening Brief of Appellant and suggested that this matter be placed on the April Agenda.

### **B. OTHER BOARD BUSINESS**

Director Shea-Reid informed that Board that this is Legal Assistant Sprague's last meeting; there will be a reception by the Board on March 31, 2015, from 2:00 PM – 5:00 PM in honor of her retirement in the first floor conference area of the building.

The Director indicated that there will be a discussion about the new format of the preliminary recommendations at the April 21 meeting. Michelle Brissette Miller stated that she would table her comments until that discussion.

Finally, Director Shea-Reid reported that the selection process for the new ALJ is underway, including screening and interviewing. She stated that the new ALJ would most likely begin on May 1, 2015. In addition, the selection process for the Legal Assistant position is also underway.

**GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC**

There were no comments.

**IX. PROPOSED LEGISLATION AND/OR RULEMAKING**

**X. EXECUTIVE SESSION**

The Board declined to enter Executive Session.

The Board meeting ended by consensus at 10:41 A.M.

**DATED THIS 21st DAY OF APRIL, 2015.**

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Sally Yerger, Board Chair

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Vonda Hall, Member

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Michelle Palmquist, Member

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Teresa Salerno, Member